

REMARKS

Consideration of the amendments is respectfully requested. The amendments find support in the application as originally filed and adds no new matter pursuant to 37 C.F.R. 1.121(f). The amendments are made pursuant to 37 C.F.R. 1.121.

Status of Claims

Claims 1-17 are pending in this application.

Claims 1, 3-4, 6-11, 12-15 and 17 are currently amended.

Claims 2, 5 and 16 were previously amended.

Claim Objection

In response to the comments in paragraph 2 of the Office Action, Claim 15 has been amended to delete reference to the duplicative claim limitation.

In view of this amendment, the objection to Claim 15 should be withdrawn.

Claim Rejection Under 35 USC 112, Second Paragraph

In paragraphs 3-4 of the Office Action, the Examiner rejected Claims 3-6, 8-9 and 14-17 under 35 U.S.C. 112, second paragraph.

In Claims 3, 4, 8, 9, 14 and 15, the term "particular data type" has been changed to --particular packet type--. Support for "packet type" can be found on page 10, lines 5-10 and in FIG. 8 of the specification.

In Claim 9, the word "decreasing" has been changed to --increasing--.

Claims 1, 3, 4, 6, 7, 10, 12, 13, 14 and 17 have been amended for other minor typographical or grammatical errors.

Accordingly, in view of the foregoing remarks, the Applicants submit that rejection to the claims under 35 U.S.C. 112, second paragraph, should be withdrawn.

**Claim Rejection Under 35 U.S.C. 103(a) As Being Unpatentable Over
Turnball et al. (U.S. Patent No. 6,088,362), Wilder et al. (U.S. Patent No.
5,128,928) and Kumarek et al. (U.S. Patent No. 6,408,008)**

In paragraphs 5 and 6, the Examiner rejected Claims 1-17 under 35 U.S.C. 103 (a) as unpatentable over Turnbull et al. (U.S. Patent No. 6,088,362) in view of Wilder et al. (U.S. Patent No. 5,128,928) and Kumarek et al. (U.S. Patent No. 6,408,008). Independent Claims 1, 4, 7, 11 and 15 have been amended to better clarify the Applicants' invention.

In the rejection, the Examiner expressly acknowledges that the principal reference, Turnbull et al, **“does not disclose expressly adjusting time slot to a second time period if data are not being transmitted in the time slot”** (Office Action, end of page 4). Accordingly, the Examiner relies on Wilder et al. and states that **“Wilder discloses the system can be adjusted to provide additional slots for the movement of voice data or additional slots for other functions depending upon the particular system configuration, (adjusting time slot to a second time period if data are not being transmitted in said time slot), refer to col. 13 lines 18-21.”** Additionally, the Examiner relies on Kumarek et al. and states that **“Kumarek discloses programming available within the time slot scheme can be expanded by increasing the frame time period (adjustment of time period, as recited by claims 1, 4, 7, 11 and 15), refer to col. 28 lines 55-57.”**

Independent Claims 1, 4, 7, 11 and 15 have been amended to clarify that Applicants' invention adjusts the **“time slot duration”** based on content (Claims 7 and 11), particular packet type (Claim 15) or whether data is or is not being sent (Claims 1, 4 and 15). Support for the amended language “time slot duration” can be found on page 10, lines 15-19 of the specification.

Wilder et al. states in column 13, lines 18-21 that “the system can be adjusted to provide additional slots for the movement of voice data or additional slots for other functions depending upon the particular system configuration.” Thus, Wilder et al. **does not** adjust the *“time slot duration,”* as now claimed. Furthermore, adding “slots” is **not the same as** adjusting a *“time slot duration”* of a time slot.

Kumarek et al. also **does not** teach that the *“time slot duration”* is adjusted. While Kumarek et al. states that “programming available within the time slot scheme can be expanded by increasing the frame time period,” Kumarek et al. also states that

the invention uses a "fixed time slot protocol" (column 7, lines 59-60 and column 26, lines 1-2) with a fixed sequential order (column 8, lines 25-31) wherein "each time slot is comprised of three byte cycles" (column 9, lines 25-27) Accordingly, in view of the disclosure by Kumarek et al., the "*time slot duration*" is **not** intended to be adjusted as now claimed.

In view of the foregoing comments and amendments, the combination of Turnbull et al. (U.S. Patent No. 6,088,362) in view of Wilder et al. (U.S. Patent No. 5,128,928) and Kumarek et al. (U.S. Patent No. 6,408,008) **does not** teach the claimed limitations and such rejection under 35 U.S.C. 103(a) should be withdrawn.

Accordingly, independent Claims 1, 4, 7, 11 and 15 are allowable over the prior art of record.

Since Claims 2-3, 5-6, 8-10, 12-14 and 16-17 depend from one of Claims 1, 4, 7, 11 or 15, then for the reasons set forth above with regard to Claims 1, 4, 7, 11 and 15, dependent Claims 2-3, 5-6, 8-10, 12-14 and 16-17 are also allowable over the prior art of record.

CONCLUSION

In view of the foregoing remarks and amendments, the Applicants believe that they have overcome all of the examiner's basis for rejection, and that this application therefore stands in condition for allowance. However, if the Examiner is of the opinion that such action can not be taken, the Applicants request that he contact their undersigned attorney at (609) 734-6821 in order to resolve any outstanding issues without the necessity of issuing another Office Action.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account No. 07-0832.

Respectfully submitted,

CLARENCE CHARLES RUDD ET AL.

By: J. Liao
Frank Y. Liao, Attorney
Registration No.40,065
Phone: (609) 734-6821

Patent Operations
Thomson Licensing Inc.
P.O. Box 5312
Princeton, New Jersey 08543-5312

May 23, 2003

CERTIFICATE OF MAILING

I hereby certify that this written communication is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

May 23, 2003
Date

Patricia M. Fedorowycz
Patricia M. Fedorowycz